

IN FOCUS

Maryland State Board of Examiners in Optometry

President's Column

Anthony M. Glasser, O.D.

December 2003

In the last newsletter, I wrote about the need to update our statutes and regulations in order to help bring Maryland optometry into the new millennium. The Board submitted new, revised language for our statute, but all that was successful in getting through was our revision of the replacement contact lens bill. The Board now has a little more ability to go after the over-the-counter sales of color contact lenses. We will try again this year to submit our cleanup bill.

Once again the MOA submitted its legislation to increase the scope of practice of optometrists here in Maryland, and it was one of the highlights of my career to represent the Board by giving testimony in support of it. I believe the MOA put forward an intelligent, well organized presentation to the Senate committee, and I was proud to be there and see our profession look so good. We at the Board will continue to support this legislation in its next go around as well.

When you serve on the Board, and I hope all of you will at some time, you realize very quickly that Board members come and go but

the staff is there to stay. The cornerstone of that staff is the administrator, and when you have a good one the Board will run like a well oiled machine, but when you have a fantastic one your Board will be the envy of other professions and stand as an example as to how a Board should be run. Anyone who has had contact with the Board knows that their problems will be handled not only efficiently but with a personal human touch.

This is the hallmark of our wonderful administrator Patricia G. Bennett. Pat, as she is known to us, is a tireless worker and leads her staff with a perfect blend of professionalism and efficiency with just the right touch of sincerity and TLC. The Board is pleased to announce that Pat has been chosen to receive the 2003 Eugene McCrary Award from the Maryland Optometric Association. This award is given to a layperson or organization to recognize significant contributions to the enhancement of eye care in Maryland. The award was presented at their annual awards dinner that is part of the yearly convention. Congratulations to Pat!

Legislation 2003

The Board was successful in introducing legislation that was sponsored by the Department of Health and Mental Hygiene and passed by the Maryland General Assembly at the close of the 2003 legislative session. The law governs the selling and dispensing of Plano and zero-powered contact lenses and replacement contact lenses without a valid and unexpired prescription. This new law has been included in Maryland Health Gen. Code Ann. §24-301.1. As required by the law, the Department of Health and Mental Hygiene is responsible for drafting regulations governing the selling and dispensing of these lenses. This task has been delegated to the Board, which has already begun the process of promulgating the new regulations

Tax Compliance Law

A new State law went into effect on July 1, 2003 that will impact the renewal application process for your Maryland optometry license. This law requires that all health occupation licensing boards, including the Maryland Board of Examiners in Optometry (the "Board"), verify through the Maryland Office of the Comptroller of the Treasury (the "Comptroller's Office") that the renewal applicant has paid all undisputed taxes and unemployment insurance contributions prior to the Board renewing that applicant's license.

This law will be effective for licensed optometrists for the next renewal cycle in June 2005. Licensees identified at that time will need to contact the Comptroller's Office in Annapolis, MD to resolve tax or unemployment insurance issue. Do not contact the Board regarding this matter.

Regulations

Listed below is a summary of the regulations that have been acted upon this year. For the complete text, visit www.dsd.state.md.us and follow the instructions to access the regulations or contact the Board office at (410) 764-4710 to request a copy of the current regulations.

10.28.03.04 Educational Equivalency - The regulation that permitted the Board to evaluate and determine educational equivalency for foreign trained optometrists was repealed effective March 31, 2003. Therefore, the Board no longer sponsors these optometrists to sit for the National Exam. Any pending applicants whom the Board has sponsored to sit for the exam will be allowed to apply for licensure provided that they have passed all parts of the exam no later than March 31, 2005.

10.28.07.02 Fee Schedule - The fee schedule was amended increasing the biennial renewal fee from \$500 to \$600 effective January 2003.

In the future, the Board will be considering promulgating Code of Ethics regulations, regulations that govern the selling and dispensing of plano contact lenses and replacement contact lenses and revising the current Continuing Education regulations

Board Statistics

As of the close of the fiscal year and renewal cycle on June 30, 2003, there were 811 active optometrists. Of that number, 655 are TPA certified, 108 are DPA certified, and 48 are licensed without certification. The Board's QEI Committee has completed its annual record review which included the review of 530 patient records furnished by 53 TPA certified optometrists.

Disciplinary Activities

During fiscal year 2003, which ended June 30, 2003, the Board received 13 complaints of which three (3) were not under the Board's jurisdiction and were referred to the appropriate agency. Of the 10 remaining complaints, there were no formal actions taken. Two (2) letters of education were issued, one (1) complaint was referred for prosecution, and seven (7) complaints were closed due to no violation of the statute.

Common Complaints

By Allan Brull, O.D.

The Board continues to receive complaints concerning the failure of optometrists to release contact lens prescriptions. Practitioners should be aware that any contract making the release of a contact lens prescription contingent upon the patient's purchasing contact lenses from the practitioner is a violation of the optometry statute.

The Release of Medical Records

By Irwin Azman, O.D.

The Board has received inquiries from patients & optometrists concerning the "release" of medical records. Listed below are some of the questions and their answers:

Q. Can you charge for releasing records?

A. Yes. You can charge a fee for copying and mailing not exceeding 50 cents for each page, a preparation fee not to exceed \$15.00, and the actual cost of postage and handling.

*you can adjust annually for inflation in accordance with cpi

Q. How much time do you have to respond to a request?

A. You need to respond in a reasonable time but no more than 21 working days after receiving proper request for release.

Q. Can you refuse to release records if a patient failed to pay for his/her services?

A. No. Once a request has been made to release records, you must release them in a reasonable time even if the patient has an outstanding balance.

The above information is just a synopsis of what is legally required under Maryland law. A detailed recitation of the law can be found in Maryland Health General Code Annotated §§ 4-303, 4-304, 4-309.

WHAT HAPPENS WHEN A COMPLAINT IS RECEIVED?

The Board reviews all complaints. If the Board believes that there may be a violation of the Optometry Practice Act (the Act), then the complaint is referred for an investigation.

After the investigation is completed, the Board can vote to dismiss the matter if it is determined that there has been no violation of the Act. If there has been a violation of the Act, the Board may take informal action by issuing a Letter of Education or a Letter of Admonishment to the optometrist. These are nonpublic documents and are not subject to disclosure to anyone but the licensee. If the violation is deemed to be serious enough, the Board may vote to charge the optometrist with the particular violation of the Act. At that time, the case is referred to the Office of the Attorney General for prosecution. The case may be resolved with a Case Resolution Conference or may proceed to a hearing. Either of these could result in formal disciplinary action, such as the license of the optometrist being suspended or revoked or the license placed on probation. This information is public, published in the Board's Newsletter, and reported to the Association of Regulatory Boards of Optometry, which shares information throughout the country about persons who have had formal disciplinary action.

The person who complains is informed in writing of the results of the Board's investigation. The investigative process usually takes three months, and some situations may take longer depending on various factors. If the investigation is referred to the Office of the Attorney General for prosecution, the process is lengthened substantially.

Ask The Board?

Restasis

The Board decided at its meeting on July 23, 2003, that the use of Restasis is approved for use by Maryland TPA certified optometrists because the drug is non-steroidal.

Punctal Plugs

The Board decided at its meeting on May 28, 2003, that Maryland TPA certified optometrists are permitted to use punctal plugs as a means of diagnosing and managing dry eye.

FYI

The Pennsylvania College of Optometry (PCO) will be offering a 100 hour TPA certifying program for optometrists who have not yet qualified for TPA certification. The program will be offered from January 4-14, 2004. For more information, you can contact PCO at (215) 780-1382.

Continuing Education News

ARBO (Association of Regulatory Boards of Optometry) continues to maintain the website that includes continuing education activities. This site is available to optometrists who can locate continuing education offerings quickly and efficiently. The site is continuously updated to add new meetings. The address is www.OptometryCE.org.

NOTICE!!!

Effective July 1, 2003, the Board began assigning approval numbers for each continuing education program that it approves. Sponsors are required to include this number on all certificates of completion. When you are considering continuing education programs, prior to registration, be certain that they are either COPE or Maryland Board-approved.

QEI Committee Educational Project

The Board's Quality Enhancement and Improvement Committee developed and disseminated to TPA certified optometrists an optional continuing education project with an exam that included multiple choice questions, patient record reviews, and adverse events cases. The Board awarded up to 6 TPA hours that could be applied toward meeting the CE requirements for the 2003 renewal cycle. A total of 215 licensees successfully completed the project and were awarded hours as follows: 154 received 6 hours, 4 received 5 hours, 55 received 3 hours, and 3 received 2 hours. You can visit the Board's website at www.mdoptometryboard.org to view the answer key.

Board Members and Term Expirations

Anthony M. Glasser, O.D.	5/31/04	Delores G. Hobbs	6/30/04
President		Consumer Member	
Irwin Azman, O.D.	5/31/04	David D. Reed, O.D.	5/31/06
Treasurer		Member	
Jeanne A. Murphy, O.D.	5/31/05	Lillie Price Wesley, Esq.	6/30/06
Secretary		Consumer Member	
Allan Brull, O.D.	5/31/07		
Member			

THE REGULAR SESSION OF BOARD MEETINGS IS OPEN TO THE PUBLIC

Renewal Requirements

Licenses for Maryland optometrists will expire on June 30, 2005. The following information summarizes Maryland's continuing education requirements for optometrists to renew their licenses. According to COMAR 10.28.02.06 (A), each optometrist is responsible for obtaining proof of hour credits and maintaining this documentation for inspection by the Board for 4 years after the date of renewal. Maryland requires up to 50 hours every two years. Hours taken must be within the time period of July 1, 2003 and June 30, 2005.

TPA – Optometrists shall complete 50 hours and 30 of those hours shall be in the use and management of therapeutic pharmaceutical agents.

DPA – Optometrists shall complete 36 hours and 6 of those hours shall be in the use of diagnostic pharmaceutical agents.

CPR – Required for DPA & TPA optometrists, and they are responsible for maintaining proficiency in current CPR procedures. The Board shall grant CE credit for CPR recertification. CPR is general CE education.

Practice Management – Maximum of 6 hours biennially – directly relating to patient care.

Correspondence and Internet Courses – All correspondence courses with a post-test, including internet courses will be accepted for continuing education credit up to a maximum of 12 hours in the two year period. Anyone with a physical handicap or other problem that precludes attendance at continuing education courses can request a waiver of the 12-hour limit from the Board.

Clinical Observation – Observation of clinical procedures (without a corresponding lecture) will be accepted for continuing education credit up to a **maximum of 6 hours in the two-year period**. The site must be pre-approved by the Board. The optometrist needs to obtain a letter verifying the number of hours from the person or facility where the observation is done.

Presenters of CE Programs - Licensees who present approved CE programs will be allowed continuing education hours for the preparation and presentation of the program as follows: for each hour of presentation, the licensee will be allowed one hour for preparation and one hour for presentation up to a maximum of 12 hours in the two year renewal cycle.

Individual Academic Papers – The Board will allow continuing education credit for a maximum of 12 hours in the two-year renewal cycle.

The Maryland Board of Optometry and
staff wish you and yours a
Happy New Year

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in Optometry**

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